



PATENT  
Customer No. 22,852  
Attorney Docket No. 8842.0001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Dung-Fang LEE, et al.	)	Group Art Unit: 1632
	)	
Application No.: 10/614,282	)	Examiner: Robert M. Kelly
	)	
Filed: July 8, 2003	)	Confirmation No.: 2568
	)	
For: INTERNAL RIBOSOME ENTRY	)	
SITE OF THE LABIAL GENE	)	
FOR PROTEIN EXPRESSION	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, excluding the U.S. patents but including any copending non-published patent applications, are attached. This patent application was filed after June 30, 2003, and as indicated at 1276 OG 55, submission of U.S. published patent applications and issued patents is not required with this Information Disclosure Statement.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they are considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

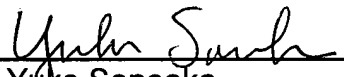
The undersigned has been given limited recognition under 37 C.F.R. § 10.9(b) to prosecute this patent application. A copy of the document granting limited recognition is enclosed herewith.

U.S. Application No.: **10/614,282**  
Attorney Docket No.: **8842.0001**

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

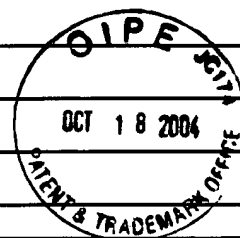
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Yuko Soneoka  
Limited Recognition Under  
37 C.F.R. § 10.9(b)

Dated: October 18, 2004

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	8842.0001	Appln. No.	10/614,282
Applicant	Dung-Fang LEE et al.		
Filing Date	July 8, 2003	Group:	1632



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,745,051	05/17/1988	Smith et al.	435	68	
	4,879,236	11/07/1989	Smith et al.	435	235	
	5,147,788	09/15/1992	Page et al.	435	69.1	
	10/614,283		Hsu et al.			7/8/2003

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Bonneau, A.M. et al., "Involvement of the 24-kDa Cap-binding Protein in Regulation of Protein Synthesis in Mitosis," <i>J. Biol. Chem.</i> , <b>262</b> :11134-11139 (1987).
	Borman, A. et al., "The involvement of a spliceosome component in internal initiation of human rhinovirus RNA translation," <i>J. Gen. Virol.</i> , <b>74</b> :1775-1788 (1993).
	Creancier, L. et al., "c-myc Internal Ribosome Entry Site Activity Is Developmentally Controlled and Subjected to a Strong Translational Repression in Adult Transgenic Mice," <i>Mol. Cell. Biol.</i> , <b>21</b> :1833-1840 (2001).
	Dansereau, D. et al., "ectopic margin (ema) is required for refinement of Notch activity at the D/V boundary of the wing," 42nd Ann. <i>Drosophila Res. Conf.</i> , abstr. 532A (2001).
	Davis, M. et al., "Role of polypyrimidine tract binding (PTB) protein during <i>Drosophila</i> development," 42nd Ann. <i>Drosophila Res. Conf.</i> , abstr. 357C (2001).
	Finkelstein, Y. et al., "The use of bi-cistronic transfer vectors for the baculovirus expression system," <i>J. Biotech.</i> , <b>75</b> :33-44 (1999).
	Gurtu, V. et al., "IRES Bicistronic Expression Vectors for Efficient Creation of Stable Mammalian Cell Lines," <i>Biochem. Biophys. Res. Comm.</i> <b>229</b> :295-298 (1996).

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	8842.0001	Appln. No.	10/614,282
Applicant	Dung-Fang LEE et al.		
Filing Date	July 8, 2003	Group:	1632

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Huang, J.T. et al., "Adenovirus Inhibition of Cellular Protein Synthesis Involves Inactivation of Cap-Binding Protein," <i>Cell</i> , <b>65</b> :271-280 (1991).
	Hennecke, M. et al., "Composition and arrangement of genes define the strength of IRES-driven translation in bicistronic mRNAs," <i>Nucleic Acids Res.</i> , <b>29</b> :3327-3334 (2001).
	Holcik, M. et al., "Functional Characterization of the X-Linked Inhibitor of Apoptosis (XIAP) Internal Ribosome Entry Site Element: Role of La Autoantigen in XIAP Translation," <i>Mol. Cell. Biol.</i> , <b>20</b> :4648-4657 (2000).
	Jang, S.K. et al., "Cap-independent translation of encephalomyocarditis virus RNA: structural elements of the internal ribosomal entry site and involvement of a cellular 57-kD RNA-binding protein," <i>Genes Dev.</i> , <b>4</b> :1560-1572 (1990).
	Kim, Y.K. et al., "Polypyrimidine Tract-binding Protein Inhibits Translation of Bip mRNA," <i>J. Mol. Biol.</i> , <b>304</b> :119-133 (2000).
	Le, S.-Y. et al., "A common RNA structural motif involved in the internal initiation of translation of cellular mRNAs," <i>Nucleic Acids Res.</i> , <b>25</b> :362-369 (1997).
	Luckow V.A. et al., "Trends in the Development of Baculovirus Expression Vectors," <i>Bio/Technology</i> , <b>6</b> :47-55 (1988).
	Luckow, V.A. "Cloning and Expression of Heterologous Genes in Insect Cells with Baculovirus Vectors," In: <i>Recombinant DNA Technology and Applications</i> , McGraw-Hill, New York, pp. 97-152 (1991).
	Macejak, D.G. et al., "Internal initiation of translation mediated by the 5' leader of a cellular mRNA," <i>Nature</i> , <b>353</b> :90-94 (1991).
	Miller, L.K. "Baculoviruses as Gene Expression Vectors," <i>Annu. Rev. Microbiol.</i> , <b>42</b> :177-199 (1988).
	Mitchell, S.A. et al., "Protein Factor Requirements of the Apaf-1 Internal Ribosome Entry Segment: Roles of Polypyrimidine Tract Binding Protein and upstream of N-ras," <i>Mol. Cell. Biol.</i> , <b>21</b> :3364-3374 (2001).
	Oh, S.-K. et al., "Homeotic gene <i>Antennapedia</i> mRNA contains 5'-noncoding sequences that confer translational initiation by internal ribosome binding," <i>Genes Dev.</i> , <b>6</b> :1643-1653 (1992).
	Oumard A. et al., "Translation of NRF mRNA is Mediated by Highly Efficient Internal Ribosome Entry," <i>Mol. Cell. Biol.</i> , <b>20</b> :2755-2759 (2000).

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	8842.0001	Appln. No.	10/614,282
Applicant	Dung-Fang LEE et al.		
Filing Date	July 8, 2003	Group:	1632

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Paz, I. et al., "Starved <i>Saccharomyces cerevisiae</i> Cells Have the Capacity to Support Internal Initiation of Translation," <i>J. Biol. Chem.</i> , <b>274</b> :21741-21745 (1999).
	Pelletier, J. et al., "Internal initiation of translation of eukaryotic mRNA directed by a sequence derived from poliovirus RNA," <i>Nature</i> , <b>334</b> :320-325 (1988).
	Pozner, A. et al., "Transcription-Coupled Translation Control of AML1/RUNX1 Is Mediated by Cap- and Internal Ribosome Entry Site-Dependent Mechanisms," <i>Mol. Cell. Biol.</i> , <b>20</b> :2297-2307 (2000).
	Saleh, L. et al., "Functional interaction of translation initiation factor eIF4G with the foot-and-mouth disease virus internal ribosome entry site," <i>J. Gen. Virol.</i> , <b>82</b> :757-763 (2001).
	Sarnow, P. "Translation of glucose-regulated protein 78/immunoglobulin heavy-chain binding protein mRNA is increased in poliovirus-infected cells at a time when cap-dependent translation of cellular mRNAs is inhibited," <i>PNAS</i> , <b>86</b> :5795-5799 (1989).
	Stoneley, M. et al., "C-Myc 5' untranslated region contains an internal ribosome entry segment," <i>Oncogene</i> , <b>16</b> :423-428 (1998).
	Vagner, S. et al., "Alternative Translation of Human Fibroblast Growth Factor 2 mRNA Occurs by Internal Entry of Ribosomes," <i>Mol. Cell. Biol.</i> , <b>15</b> :35-44 (1995).
	Woolaway K.E. et al., "The 5' Untranslated Region of <i>Rhopalosiphum padi</i> Virus Contains an Internal Ribosome Entry Site Which Functions Efficiently in Mammalian, Plant, and Insect Translation Systems," <i>J. Virol.</i> <b>75</b> :10244-10249 (2001).
	Ye, X. et al., " <i>Ultrabithorax</i> and <i>Antennapedia</i> 5' Untranslated Regions Promote Developmentally Regulated Internal Translation Initiation," <i>Mol. Cell. Biol.</i> , <b>17</b> :1714-1721 (1997).
	Zhou, W. et al., "Transcript leader regions of two <i>Saccharomyces cerevisiae</i> mRNAs contain internal ribosome entry sites that function in living cells," <i>PNAS</i> , <b>98</b> :1531-1536 (2001).
	Zuker, M. "Computer Prediction of RNA Structure," <i>Methods Enzymol.</i> , <b>180</b> :262-288 (1989).

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce